

ASSEMBLY BILL

No. 2127

Introduced by Assembly Member Plescia

February 21, 2006

An act relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2127, as introduced, Plescia. Hazardous waste: alkaline batteries.

Existing law defines the term batteries, for purposes of the hazardous waste control laws, as primary or secondary batteries, including nickel-cadmium, alkaline, carbon-zinc, and other batteries generated as waste that are not subject to the federal Resources Conservation and Recovery Act of 1976 (RCRA). Existing law authorizes the Department of Toxic Substances Control to exempt, by regulation, from the hazardous waste control laws, specified hazardous waste management activities until January 1, 2008, including hazardous waste batteries, if those wastes are identified as a universal waste and meet other specified requirements. Existing law authorizes the California Integrated Waste Management Board to conduct a study on the disposal and recyclability of household batteries.

The bill would require the California Integrated Waste Management Board and the Department of Water Resources, by July 1, 2007, to jointly undertake a study and submit a report to the Legislature regarding whether there are any environmental impacts caused by the random disposal of used alkaline batteries in a permitted solid waste landfill facility, the extent of those impacts caused by that disposal, and proposed solutions to mitigate those identified impacts. The bill would also require the Office of the Legislative Analyst, by July 1,

2007, to evaluate the cost of developing an infrastructure to collect used alkaline batteries as a non-RCRA hazardous waste from consumers and the likely financial impact on California consumers, if they are required to fund the development of that infrastructure through a deposit, fee, or other form of imposed cost.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The Department of Toxic Substances Control has adopted
4 regulations establishing standards for the management of
5 universal waste, as found in Chapter 23 (commencing with
6 Section 66273.1) of Division 4.5 of Title 22 of the California
7 Code of Regulations, known as the “Universal Waste Rule,” that
8 requires the recycling of alkaline batteries as a hazardous waste
9 under state law, even though the waste is not subject to the
10 federal Resource Conservation and Recovery Act of 1976
11 (RCRA; 42 U.S.C. Sec. 6901 and following).

12 (b) These universal waste rule regulations provided a four-year
13 exemption, until February 8, 2006, for three million household
14 generators and one million small quantity generators, after which
15 alkaline batteries are required to be recycled at a cost estimated
16 by the department to be between seven dollars (\$7) and
17 thirty-eight dollars (\$38) per generator, for a total cost between
18 twenty-eight million dollars (\$28,000,000) and one hundred
19 fifty-two million dollars (\$152,000,000) annually.

20 (c) Furthermore, as stated in the informative digest of the
21 universal waste rule regulations, “No battery recyclers currently
22 operate in California. Most batteries will be sent out of state for
23 recycling.”

24 (d) In a memorandum dated January 10, 2006, the Department
25 of Toxic Substances Control announced that it would “not extend
26 the temporary disposal exemptions that allow households and
27 Conditionally Exempt Small Quantity Universal Waste
28 Generators (CESQUWG) to dispose of some hazardous wastes,
29 including alkaline batteries, into the trash.” Therefore, on and
30 after February 8, 2006, households and small businesses are

1 prohibited from disposing of alkaline batteries in the solid waste
2 stream for disposal in a permitted solid waste landfill facility, but
3 are required to take spent alkaline batteries to collection points
4 that have yet to be developed.

5 (e) There has been no research, study, or evaluation by
6 California regulators as to whether disposing of used alkaline
7 batteries into a permitted solid waste landfill facility causes any
8 harmful effect or environmental degradation to that landfill
9 facility.

10 (f) Before the state imposes a deposit, fee, or any form of costs
11 on consumers to fund or subsidize an infrastructure to collect
12 used alkaline batteries from consumers as a non-RCRA
13 hazardous waste, a study should be conducted regarding the
14 issues specified in subdivision (e).

15 SEC. 2. (a) On or before July 1, 2007, the California
16 Integrated Waste Management Board and the Department of
17 Water Resources shall jointly undertake a study, and submit a
18 report to the Legislature, regarding whether there are any
19 environmental impacts caused by the random disposal of alkaline
20 batteries, as specified in Section 25216 of the Health and Safety
21 Code, in a permitted solid waste landfill facility, the extent of the
22 impacts caused by that disposal, and proposed solutions to
23 mitigate those identified impacts.

24 (b) On or before July 1, 2007, the Office of the Legislative
25 Analyst shall evaluate the cost of developing an infrastructure to
26 collect used alkaline batteries as a non-RCRA hazardous waste
27 from consumers and the likely financial impact on California
28 consumers, if they are required to fund the development of that
29 infrastructure through a deposit, fee, or other form of imposed
30 cost.